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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,118	08/06/2001	Dale R. Peterson	265280-68798	9728

7590 03/23/2004

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EXAMINER

WEBMAN, EDWARD J

ART UNIT PAPER NUMBER

1617

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/923,118
Filing Date: August 06, 2001
Appellant(s): PETERSON ET AL.

Paper No. 11/28/03

MAILED

MAR 23 2004

GROUP

J. T. Powlick
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/28/03.

(1) Real Party in Interest

Art Unit: 1617

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Applicants state claims 13-18 stand or fall together.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5, 075, 115 Brine 12-199

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Art Unit: 1617

Claims 13-18 are rejected under 35 U.S.C. 102 (b). This rejection is set forth in prior Office Action, Paper No. 7/7/03.

Claims 13-18 are rejected under 35 U.S.C. 112. This rejection is set forth in prior Office Action, Paper No. 7/7/03.

(11) Response to Argument


Applicants again argue that Brine does not teach a terpolymer, citing that column 4 lines 60-64 indicate copolymers. However, column 3 lines 36-43 indicate disclose polymers comprising lactone and up to seven other monomers recited on lines 40-42. As to the word "derived" it includes monomers which have ^{been} altered from the original in some unspecified manner.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

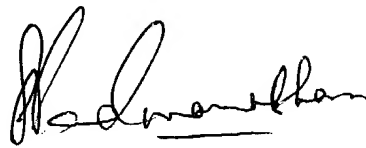
Webman/tgd
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